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February 23, 2004

By fax - (212) 637-3199
and certified mail

Attorney Naomi Shapiro
Assistant Regional Counsel
U. S. Environmental Protection
Agency, Region II
290 Broadway 26th Floor
New York, New York 10007

Re: United States v. Tropical Fruit
Civil No. 97-1442-DRD
O/F: 910.443

Dear attorney Shapiro:

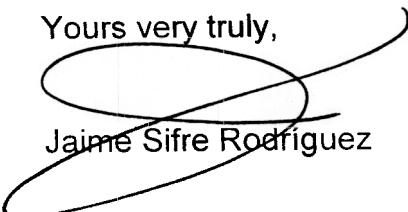
The purpose of this letter is to request EPA to consider the presentation made by Mr. Eugenio Toro in the attached report. This request is predicated in Tropical Farm's interest to obtain the optimum results from the agreed buffer zone, in view of the most recent developments with organic material to address pest control.

The Farm has been diligently working in the buffer zone, and has planted the required Neem trees. As part of that process it has realized that the buffer zone can be enhanced if the mango trees are used as part of it. To address the pests, the farm has requested Mr. Toro to develop a pest control program using organic material. In exhibit A to this letter you will be able to see Mr. Toro's proposal and the benefit it provides in terms of efficiency and cost.

If the proposed amendment to the buffer zone is agreeable, plantains will not be needed as part of the buffer zone, avoiding therefore the need to replant them every year, and avoiding also their destruction in case of a hurricane or strong rains.

Please review Mr. Toro's proposal and contact the undersigned to further discuss this proposed modification.

Yours very truly,


Jaime Sifre Rodriguez

Enclosures

To: Avshalom Lubin
Pres. Tropical Fruit Co.
Guayanilla, P.R.
Eugenio Toro
From: Eugenio Toro
Fruit Specialist /AES Ret.

Date: February 12, 2004

Subject: Enhancement of Buffer Zone

. Introduction

The mango, **Mangifera indica** is the most important among all the fruits cultivated in Puerto Rico. There are about 2,200 acres planted in the South west area in P.R. By 2001 mango production (selected varieties such as Keitt, Parving, Tommy, Atkins and others) was about 19 millions fruits with a value of around 21 million dollars. Over 80% of the fruits are exported to Europe and U.S. This means that it is one of the most important crop in the local agriculture and the South West part of the Island.

The mango grove in Tropical Fruit Co., is comprised of about 500 acres planted with varieties as previously mentioned marketed internationally and very low quantity in P.R. The grove was planted by 1992. It developed excellent, efficiently and right now is in the optimum production; between 8-10 tons/acre.

Mango trees (leaves, flowers, fruits) are very susceptible to various insects and disease, it is why this crop has to undergo a regular or intensive pest control program. This grove has the advantage that was planted in an open area, and at location where it receives the breeze from the ocean. This does not mean that pest are controlled by this action. But the most noticeable fact is that this farm was a sugar cane farm, and after disappearance of this crop the farm was reforest with mango trees offering the opportunities to 120 employees to work to have a steady job for long. The useful live of well manage mango tree is forty years or more.

II Buffer Zone Requested by EPA

Because of certain problems and complains of the neighborhood, it has been agreed that a buffer be established to avoid the drifts from the pesticides. The Buffer Zone was selected at the South east and South west of the Yauco river. The buffer zone comprises about 170 feet from the boundaries to the mango grove.

This means that about 1400 trees enter in this buffer zone. The recommendations as far as I know was to move out or relocate the dugged trees into other area or areas. To my concern and evaluation there is no other available or suitable land for the trees because the remaining land is salty, shallow and the water lever high, harmful, and

catastrophic to the mangos. Also to move or relocate the trees is a very hard work task.

To pull out and transplant a tree is very costly. Fruit trees have to be prune completely leaving the trunk and main scaffold to a high of 6' - 7'. Cut have to be protected with and asphalt component and paint the trees with a lime wash to avoid the dry out of the trees.

Also the hole in which the tree is going to be relocated has to be filled with at least 50 gallon of water. When the tree is set, immediately after it has to be water again. The cost of transplant of the size in the buffer zone is costly. Please refer to my expert report produced as part of the litigation before the U. S. District Court for the District of Puerto Rico.

III Program Alternative

There will be a line of Neem tree : **Azadirachta indica**, planted at the end of the buffer zone. This specie, native from India and belonging to the Melliaceae family was recommended because of its aggressive grow or development. If it is well managed with irrigation system it can grow 1 feet/month and can reach up 90' at adult life and the tap root can penetrate the double of the high if soil structure permit. In 2 or 3 years this tree will surpass 2-3 times the high of the mango trees. The roots are very deep and can support wind of more than 75 mph. Evaluation experience in Martex Farm, Santa Isabel, after Georges hurricane.

It is an spectacular tree, handsome and will help as a pulmonary benefit for the vicinity and improve of the environment. What about the trees in the buffer zone? What is their destiny, any alternative to leave the trees "in situ" manage them organic and biologically? Of course Yes.

I understand that pursuant to the agreement between Tropical Fruit Co. and E.P.A. , this buffer zone can be sprayed by hand to avoid contamination of adjacent areas in this vicinity. As stated before 1,400 trees (around 15 acres) in optimum production comprises the buffer zone and are sentenced to disappear. This means there will be a massacre or mass assassination of those living creatures. If they are pulled out that space left will be subject to a gap where strong winds can go though and cause damages to the trees adjacent and heavy rainfall, floods can cause tremendous erosion effects to the farm, the river and vicinity (neighborhood) of the deposition of many hazards in the area.

One recommendation given was to substitute the trees for plantains. Plantains are very weak plants, very susceptible to rain, wind and last no more than one year. If any heavy rain, a flood occurs, the run off water can drag out the plants causing stoppages to the running water provoking enormous damages to the farm, river and vicinity.

IV General Recommendations

1. Leave the mango trees "in situ" applying an organic and biological care and management treatment.
2. Continue pruning techniques in order to reduce or eliminate insects, diseases, and stimulate new growth but controlling it.
3. Establish an insect and disease control program with organic an biological pesticides registered by E.P.A. an other regulatory agencies.
4. Apply the pesticides program when necessary and no exceeding the label recommendations.
5. Carry out, monitoring and scouting in order to evaluate pest, diseases and infestations.
6. Maintain irrigation systems efficiently.

V Technical recommendations. Beside the actual program of pest control.

A. Insect control

Mites, aphis, scales, mealybugs, whiteflies, moths, caterpillars, fruit flies, leafhoppers, etc.

PESTICIDE	DOSE	Waiting days for harvesting	OBSERVATIONS
Neemix (botanical insecticide)	½ - 2 gal./acre	0	Apply uniformly in the foliage mainly under leaves when necessary
Azating EC (botanical insecticide)	5-21 oz./acre	0	Same
Pyrellin (botanical insecticide)	1-2 pts./acre	0	Same
Align (botanical insecticide)	5-16 oz./acre	0	same
Biobit (botanical insecticide)	1-4 #/acre	0	Same

Fire ants			
Logic, Award	1-3 teaspoonfull per mound	0	Apply broadcast around the mound

B. Diseases control anthracnose, scab, mildew

Trilogy (botanical fungicide, insecticide, miticide)			
Trilogy 90 EC (0.5-2%)	30-250 gal water/acre	0	Repeat every 7 days. Do not apply more than 5 gal./acre in solution. Apply before flowering and continue at 20m days intervals.

C. Weed Control

Round up 1-2%	Mix with 98-99 gallons of water. Do not exceed over 8 quarts / acre
Round up ultra 1-2%	Same

D. Fertilization

A fertilizer program should be applied as previously programmed or scheduled through the irrigation system or foliage spray. Urea and ammonium sulfate or other elements can be applied by fertigation.

Potassium nitrate can be applied as dual purpose. One as nutrient through the irrigation system and as flowering forcing or induction. This is very important so they can be stimulated to flower as an early or late variety to expand the market season and have an optimum consecutive production yearly and compete favorably in the international market if no objection. So pesticide as Potassium nitrate should be permitted to be sprayed by the blowers because with the program recommended won't contaminate the environment, will be safe and cause no harm to the neighborhood. Also will be quickest, efficient and cost efficient.

Enclosed is a small publication of the Neem tree. Most of the pesticide recommended here are derived from this tree. As a complement for the program I suggest the use of Vapor Guard organic and organic anti-transpirant as sticker or emulsifier mix with any of the pesticide recommended. Vapor guard should be melt with house dish detergent (Vel) which is non ionic dissolving well vapor guard. Mixed with the pesticide the effects last longer in the trees and fruits. Enclosed also a label of this anti-transpirant.

I strongly recommend that this proposal be evaluated as it will serve as a more efficient buffer zone. Further, the mango trees in the buffer zone will be sprayed with organic material avoiding therefore any pesticide risk.